

SHB1024 and SB5645:

Washington State Human Rights Commission

Q&A about Service/Assistance Animals

What governmental agencies process service animal complaints in housing in Washington State?

Pursuant to a 2008 Memorandum of Understanding, the U.S. Department of Housing and Urban Development (HUD) handles all service animal complaints in housing in Washington State that would normally be processed by the Washington State Human Rights Commission, because of the state's definition.

What is the Washington State definition of service animal?

"Service animal" means an animal that is trained for the purpose of assisting or accommodating a sensory, mental or physical disability of a person with a disability.

What is the federal definition of a service animal? The Fair Housing Act (FHA) does not specifically define "service animal"; however, the FHA requires the provision of "reasonable accommodations" for people with disabilities, which includes service animals. Such animals are often referred to as 'service animals, assistive animals, support animals, or therapeutic animals' and may include any animal that actually performs tasks or a service for the benefit of an individual with a disability providing emotional support to persons with mental disabilities. Under the FHA, a service animal does not have to be trained.



Can the housing provider request verification in order to ensure the animal is really necessary?

Yes. A request for a service animal accommodation should be treated like any other request for accommodation. If the disability and disability-related need for the service animal is not apparent, the housing provider can request written verification

from a physician or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the person's disability.

Can a housing provider deny a request for a service animal?

Yes. If the person requesting the service animal is not disabled; or if there is no disability-related need for the animal; if providing the accommodation imposes an undue financial or administrative burden on the housing provider; or if it would fundamentally alter the nature of the housing provider's operations.

If a service animal causes damage or is not controlled by its owner, do I have recourse?

Yes. Although you may not charge a pet deposit or extra fees for a service animal, you can collect damages the same way you would from any other tenant – i.e., take the damages from the standard damage deposit, charge the tenant for the damage and/or pursue damages as you would any other tenant. If the animal poses a direct threat to the health or safety of others or causes damage to property, the animal may be removed from common areas and may be banned from the property if the behavior persists.

Do I have to rent to someone just because they have a service animal?

The same criteria to rent should be applied consistently with all tenants. If the person with the service animal is qualified you must rent to them.

What if the tenant does not control or clean up after the service animal?

Service animals are the responsibility of the owner. WAC 162-38-105. The owner is responsible for the care, maintenance and control of the animal. This includes waste.

What if my insurance carrier bans certain breeds of dogs?

If an insurance carrier would cancel, substantially increase policy costs, or adversely change policy terms because of the presence of a certain breed of dog or a certain animal, this may be found to impose an undue financial and administrative burden on the housing provider.

Is there a difference between a pet and a service animal?

Yes. Service animals are not pets. People with disabilities use service animals as "auxiliary aids" – similar to a cane, crutches or wheelchair.